

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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**I. SUMMARY**

In this order we adopt Chapter 323 governing standards for Electronic Business Transactions (EBT).

**II. BACKGROUND**

Chapter 322 of our rules governs metering, billing, collections, and enrollment interactions among transmission and distribution utilities and competitive electricity providers. Section 9(B) of the rule requires transmission and distribution utilities and competitive electricity providers to transfer data between each other in accordance with procedures and formats specified in the EBT Standards (Section 9(B)(1))<sup>1</sup> and also requires competitive electricity providers to attend training as established in the EBT Standards (Section 9(B)(2)). Chapter 322 defines the term “EBT Standards” as:

the standards, established by the Electronic Business Transactions Standards working group and adopted by rule, that govern the procedures, electronic protocols, and data formats for transferring data electronically among transmission and distribution utilities and competitive electricity providers.

Chapter 322 § 1(G).

On July 20, 1998, the Commission issued a Notice of Inquiry into the Electronic Business Transaction Standards for the Exchange of Information in a Restructured Electricity Industry (Docket No. 98-522). In that Notice, we initiated a statewide working group (Working Group) to develop recommendations for procedures, electronic protocols, and data formats to be used when transferring data among entities in Maine after implementation of retail competition on March 1, 2000. The Notice directed the Working Group to use the Massachusetts EBT Standards document as a template and to modify those Standards only as necessary to adapt them to Maine statute or regulation. Any entity affected by the restructuring of Maine’s electricity industry was invited to participate in the Working Group. The Inquiry directed the Working Group to choose a chair from among the participants and also directed the Working Group to make decisions by consensus. On

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<sup>1</sup> This provision contains an exception for consumer-owned utilities.

March 23, 1999, we issued a request for comments on a draft Working Group<sup>2</sup> report filed on February 26, 1999. The Public Advocate and Energy Express filed comments on the report. On June 18, 1999, the Working Group filed its recommended EBT Standards which incorporated comments made by interested persons.

In adopting Chapter 323, we adopt the recommended Maine EBT Standards (Standards) filed by the Working Group with a few minor changes in response to the comments of the Working Group and the Public Advocate. The Standards reflects a consensus arrived at by the entities that will be implementing these processes as well as Commission Staff. The purpose of the document is to provide the “nuts and bolts” for implementing provisions of various restructuring rules such as Chapters 301 (governing the provision of standard offer service) and 322.

In this rule, we do not adopt the technical specifications to the EBT Standards. These technical specifications are subject to frequent modifications as necessary. Any further modifications will be determined using a consensus process described in the Standards. We do require that updates of these specifications be provided to the Commission. The specifications and any revisions to the specifications will be available through our web page.

### **III. RULEMAKING PROCESS**

On July 13, 1999, we issued a Notice of Rulemaking proposing to adopt the EBT Standards attached to the proposed rule. Consistent with rulemaking procedures, interested persons were provided an opportunity to file written comments. Only the EBT Working Group and the Public Advocate filed comments on the proposed rule.

### **IV. DISCUSSION OF COMMENTS**

Below we discuss the specific comments made by the EBT Working Group and the Public Advocate. Any provision not specifically discussed below remains unchanged from the EBT Standards appended to the proposed rule.

The EBT group recommends that the word “guidelines” in the Standards be changed to the word “standards.” We agree and incorporate that change into the EBT Standards.

The EBT Group also recommends changes to Section V of the Standards. This section addresses transactions between standard offer providers and transmission and distribution utilities. The Working Group recommends specific language which provides a

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<sup>2</sup> The Working Group consisted of Bangor Hydro-Electric Company, Central Maine Power Company, Energy Atlantic, Energy Options Consulting Group, Kennebunk Light & Power, MainePower, Maine Public Service Company and the Maine Public Utilities Commission Staff.

more detailed description of the data the transmission and distribution utility will send to the standard offer providers for the purpose of transactions between the standard offer providers and the transmission and distribution utility. We adopt the EBT Group's recommended language.

The Public Advocate recommends a change in the customer responsibilities listed in Section III of the Standards. He points out that item 6 in this list should not state that it is the customer's responsibility to notify the transmission and distribution utility if a customer wants to drop from the competitive provider to the standard offer. The customer may notify his or her current provider, rather than the transmission and distribution utility, to drop to standard offer service. Accordingly, we have revised item 6 to clarify that the customer is not required to contact the transmission and distribution utility to move to standard offer service.

The Public Advocate also recommends that competitive electricity providers and transmission and distribution utilities be required to provide notice to the customer that the customer should communicate with the provider rather than the transmission and distribution utility to effect a change in providers.<sup>3</sup> The Public Advocate's concern arises out of the \$5.00 charge that a transmission and distribution utility may assess if a customer contacts the transmission and distribution utility, rather than the current provider, to move to standard offer service. We approved this charge in Docket Nos. 99-402, (Central Maine Power Co.), 99-425 (Bangor-Hydro Electric Co.) and 99-429 (Maine Public Service Co.).

We are concerned about possible customer confusion over which entity to contact to drop to standard offer service and that the \$5.00 charge may result in customer complaints.<sup>4</sup> However, the purpose of the EBT standards is simply to create the mechanisms for carrying out the substantive requirements of other rules. Thus, we will not add a new substantive notice requirement in this rule. We will, however, consider whether to reopen Docket Nos. 99-402, 99-425 and 99-429 to reexamine whether the \$5.00 fee is appropriate given the potential for significant customer dissatisfaction with such a charge.

The Public Advocate also objects to the section of the Standards relating to multiple enrollments. He states that the proposed rule "sets forth a prioritization scheme for the receipt of multiple enrollments by the T&D during any enrollment period." He states that customers will be penalized by the "first in" rule because the rule does not allow a customer to change his or her mind once the utility has received a notification to enroll from the

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<sup>3</sup> The Public Advocate is mistaken in asserting that the \$5.00 charge applies when a customer asks the transmission and distribution utility to change providers. The \$5.00 charge does not apply to changing providers. In fact, Chapter 322 does not allow the transmission and distribution utility to change providers without a notification to enroll from the new provider. Ch. 322 § 7(A)(1).

<sup>4</sup> We note that both Chapter 322 and Chapter 301 state that the customer may drop to standard offer service by contacting the transmission and distribution utility.

competitive provider. The Public Advocate's characterization of this rule as establishing a prioritization scheme for multiple enrollments is incorrect. Chapter 322 establishes the prioritization for multiple enrollments. The Standards simply set forth the specific steps that the transmission and distribution utility and competitive providers must take to effect the requirements of Chapter 322.<sup>5</sup> For these reasons, we decline to make these recommended changes.

In addition, the Public Advocate recommends a change to Section VIII of the Standards, which relates to supplier training. The Public Advocate comments that the sentence, "[o]ther entities, such as the Public Advocate or ISO-NE, may participate in delivering training if necessary," is too vague. He suggests alternative language. We conclude that the objectionable sentence is simply unnecessary. The Standards provide that "the workshops will be conducted with representation from the T&D Utilities and the MPUC." Nothing in that statement precludes the Public Advocate or any other entity from working with transmission and distribution utilities and the Commission staff in delivering training. Therefore, instead of trying to refine the unnecessary language, we delete it from the Standards.

Finally, the Public Advocate recommends that the waiver provision in Section 3 of the rule be modified to require that any person seeking a waiver be required to provide notice to the Public Advocate. We do not agree that this change is necessary. None of the nearly identical waiver provisions in our electric restructuring rules requires notice to the Public Advocate. Although a person requesting a waiver may find it good practice to provide notice to the Public Advocate, we will not deviate from the standard waiver language to require it here.

In addition to changes suggested by the Working Group and the Public Advocate, we make a minor revision to Section X of the EBT Standards. This section relates to the processes for changing the Standards and the technical specifications. We clarify that changes to the Standards adopted by the Working Group are subject to adoption by the Commission through its procedure for amending rules.

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<sup>5</sup> The effect of the interaction of the provisions of chapters 322 and 305 is that a customer (with demand of 100kW or less) has time to reconsider his or her choice before a notification to enroll is sent to the transmission and distribution utility. See Chapter 305 §4(c)(4) and Chapter 322 §4(A)(1). In addition, the customer may drop to standard offer service in between enrollment periods although there are billing and metering charges associated with such a mid-cycle change. Chapter 322§8(2)(b). Thus, we disagree with the Public Advocate that the "first in" rule in Chapter 322 "penalizes" the customer.

Accordingly, we

**O R D E R**

1. That the attached Chapter 323, Electronic Business Transactions Standards is hereby adopted; and
2. That the Administrative Director shall file the adopted Rule with the Secretary of State; and
3. The Administrative Director shall send copies of this Order and attached Rule to
  - A. All electric utilities in the State;
  - B. All persons who have filed with the Commission within the past year a written request for Notice of Rulemaking;
  - C. All persons listed on the service lists in Docket No. 98-522 and Docket No. 99-468; and
4. That the Administrative Director shall notify all persons on the Commission's list of persons who wish to receive notice of all electric structuring proceedings that the rule was adopted and is available upon request.

Dated at Augusta, Maine, this 2nd day of November, 1999.

**BY ORDER OF THE COMMISSION**

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR: Welch

Nugent  
Diamond